

REFERENCE TITLE: enhanced driver licenses; border travel

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## HB 2507

Introduced by  
Representative Pancrazi, Senator Aguirre: Representatives Ableser, Meza

### AN ACT

AMENDING SECTIONS 28-3001, 28-3002, 28-3101, 28-3165 AND 28-3171, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3007; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3001, Arizona Revised Statutes, is amended to  
3 read:

4 28-3001. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Cancellation" means the annulment or termination of a driver  
7 license because of an error or defect or because the licensee is no longer  
8 entitled to the license.

9 2. "Commercial driver license" means a license that is issued to an  
10 individual and that authorizes the individual to operate a class of  
11 commercial motor vehicles.

12 3. "Commercial motor vehicle" means a motor vehicle or combination of  
13 motor vehicles used to transport passengers or property if the motor vehicle  
14 either:

15 (a) Has a gross combined weight rating of twenty-six thousand one or  
16 more pounds inclusive of a towed unit with a gross vehicle weight rating of  
17 more than ten thousand pounds.

18 (b) Has a gross vehicle weight rating of twenty-six thousand one or  
19 more pounds.

20 (c) Is a school bus.

21 (d) Is a bus.

22 (e) Is used in the transportation of materials found to be hazardous  
23 for the purposes of the hazardous materials transportation act (49 United  
24 States Code sections 5101 through 5127) and is required to be placarded under  
25 49 Code of Federal Regulations section 172.504, as adopted by the department  
26 pursuant to chapter 14 of this title.

27 4. "Conviction" has the same meaning prescribed in section 28-101 and  
28 also means a final conviction or judgment, including an order of a juvenile  
29 court finding that a juvenile has violated a provision of this title or has  
30 committed a delinquent act that if committed by an adult constitutes any of  
31 the following:

32 (a) Criminal damage to property pursuant to section 13-1602,  
33 subsection A, paragraph 1.

34 (b) A felony offense in the commission of which a motor vehicle was  
35 used, including theft of a motor vehicle pursuant to section 13-1802,  
36 unlawful use of means of transportation pursuant to section 13-1803 or theft  
37 of means of transportation pursuant to section 13-1814.

38 (c) A forfeiture of bail or collateral deposited to secure a  
39 defendant's appearance in court that has not been vacated.

40 5. "Disqualification" means a prohibition from obtaining a commercial  
41 driver license or driving a commercial motor vehicle.

42 6. "Employer" means a person, including the United States, a state or  
43 a political subdivision of a state, that owns or leases a commercial motor  
44 vehicle or that assigns a person to operate a commercial motor vehicle.

1           7. "Endorsement" means an authorization that is added to an  
2 individual's driver license and that is required to permit the individual to  
3 operate certain types of vehicles.

4           8. "ENHANCED DRIVER LICENSE" MEANS A DRIVER LICENSE THAT IS ISSUED TO  
5 AN INDIVIDUAL WHO IS A CITIZEN OF THE UNITED STATES BY MEANS OF BIRTH OR  
6 NATURALIZATION AND WHO HAS MET IDENTITY REQUIREMENTS, THAT MAY CONTAIN A  
7 RADIO FREQUENCY IDENTIFICATION CHIP OR SIMILAR TECHNOLOGY AND THAT AUTHORIZES  
8 THE INDIVIDUAL TO CROSS ANY UNITED STATES LAND OR SEA BORDER IN THE WESTERN  
9 HEMISPHERE.

10          9. "ENHANCED NONOPERATING IDENTIFICATION LICENSE" MEANS A NONOPERATING  
11 IDENTIFICATION LICENSE THAT IS ISSUED TO AN INDIVIDUAL WHO IS A CITIZEN OF  
12 THE UNITED STATES BY MEANS OF BIRTH OR NATURALIZATION AND WHO HAS MET  
13 IDENTITY REQUIREMENTS, THAT MAY CONTAIN A RADIO FREQUENCY IDENTIFICATION CHIP  
14 OR SIMILAR TECHNOLOGY AND THAT AUTHORIZES THE INDIVIDUAL TO CROSS ANY UNITED  
15 STATES LAND OR SEA BORDER IN THE WESTERN HEMISPHERE.

16          ~~8.~~ 10. "Foreign" means outside the United States.

17          ~~9.~~ 11. "Gross vehicle weight rating" means the weight that is  
18 assigned by the vehicle manufacturer to a vehicle and that represents the  
19 maximum recommended total weight including the vehicle and the load for the  
20 vehicle.

21          ~~10.~~ 12. "Judgment" means a final judgment and any of the following:  
22           (a) The finding by a court that an individual is responsible for a  
23 civil traffic violation.

24           (b) An individual's admission of responsibility for a civil traffic  
25 violation.

26           (c) The voluntary or involuntary forfeiture of deposit in connection  
27 with a civil traffic violation.

28           (d) A default judgment entered by a court pursuant to section 28-1596.

29          ~~11.~~ 13. "License class" means, for the purpose of determining the  
30 appropriate class of driver license required for the type of motor vehicle or  
31 vehicle combination a driver intends to operate or is operating, the class of  
32 driver license prescribed in section 28-3101.

33          ~~12.~~ 14. "Nonresident commercial driver license" means a commercial  
34 driver license issued to an individual domiciled in a foreign country.

35          ~~13.~~ 15. "Original applicant" means any of the following:

36           (a) An applicant who has never been licensed or cannot provide  
37 evidence of licensing.

38           (b) An applicant who is applying for a higher class of driver license  
39 than the license currently held by the applicant.

40           (c) An applicant who has a license from a foreign country.

41          ~~14.~~ 16. "Revocation" means that the driver license and driver's  
42 privilege to drive a motor vehicle on the public highways of this state are  
43 terminated and shall not be renewed or restored, except that an application  
44 for a new license may be presented and acted on by the department after one  
45 year from the date of revocation.

~~15-~~ 17. "State of domicile" means the state or jurisdiction where a person has the person's true, fixed and permanent home and principal residence and to which the person has the intention of returning after an absence.

~~16-~~ 18. "Suspension" means that the driver license and driver's privilege to drive a motor vehicle on the public highways of this state are temporarily withdrawn during the period of the suspension and until application for reinstatement is made.

~~17-~~ 19. "Vehicle combination" means a motor vehicle and a vehicle in excess of ten thousand pounds gross vehicle weight that it tows, if the combined gross vehicle weight rating is more than twenty-six thousand pounds.

Sec. 2. Section 28-3002, Arizona Revised Statutes, is amended to read:

28-3002. Fees; driver licenses; disposition

A. The following fees are required:

1. For each original or initial application or renewal application, if a written examination is required, for the following:

(a) Class A driver license, twenty-five dollars.

(b) Class B driver license, twenty-five dollars.

(c) Class C driver license, twelve dollars fifty cents.

(d) Class D driver license issued pursuant to section 28-3171, ten dollars.

(e) Class M driver license issued pursuant to section 28-3171, ten dollars.

2. Except as provided in paragraph 1, for each original, renewal or reinstatement application for a class D, G or M license:

Age	Fee
50 or older	\$10.00
45-49	\$15.00
40-44	\$20.00
39 or younger	\$25.00

3. For each original or initial application or renewal examination, if a written application is required, for the following endorsements to a driver license:

(a) Bus endorsement, ten dollars.

(b) Hazardous materials endorsement, ten dollars.

(c) Tank vehicle endorsement, ten dollars.

(d) Double-triple trailer endorsement, ten dollars.

(e) Motorcycle endorsement, seven dollars.

4. For taking each driving test for a:

(a) Class A driver license, twenty-five dollars.

(b) Class B driver license, twenty-five dollars.

(c) Class C driver license, twelve dollars fifty cents.

(d) Bus endorsement, five dollars.

5. For each application for an instruction permit under:

(a) Section 28-3154 or 28-3156, seven dollars.

1 (b) Section 28-3155, three dollars.  
2 (c) Section 28-3225, class A, twenty-five dollars.  
3 (d) Section 28-3225, class B, twenty-five dollars.  
4 (e) Section 28-3225, class C, twelve dollars fifty cents.  
5 6. For each renewal application, if a written examination is not  
6 required, for a:  
7 (a) Class A driver license and any endorsement, other than a hazardous  
8 materials endorsement, to the license, fifteen dollars.  
9 (b) Class B driver license and any endorsement, other than a hazardous  
10 materials endorsement, to the license, fifteen dollars.  
11 (c) Class C driver license and any endorsement, other than a hazardous  
12 materials endorsement, to the license, ten dollars.  
13 7. For each application for a duplicate of a STANDARD driver license,  
14 four dollars.  
15 8. For each application for a duplicate of an instruction permit, two  
16 dollars.  
17 9. In addition to the fees prescribed in paragraph 2 and except as  
18 provided in paragraph 11:  
19 (a) For reinstatement of driving privileges after suspension or  
20 disqualification, ten dollars.  
21 (b) For reinstatement of driving privileges after revocation, twenty  
22 dollars.  
23 10. For each application for an extension by mail of a driver license,  
24 five dollars.  
25 11. In addition to the fees prescribed in paragraph 2, for  
26 reinstatement of driving privileges that were suspended or denied pursuant to  
27 section 28-1385 after completion of the suspension or revocation, fifty  
28 dollars.  
29 12. For vision screening tests of out-of-state drivers, five dollars.  
30 13. For class D or M driver license skills tests for out-of-state  
31 drivers, fifteen dollars.  
32 14. IN ADDITION TO THE FEES PRESCRIBED IN PARAGRAPHS 1, 2 AND 6, FOR  
33 EACH ENHANCED DRIVER LICENSE, \_\_\_\_\_ DOLLARS.  
34 15. FOR EACH APPLICATION FOR A DUPLICATE OF AN ENHANCED DRIVER LICENSE,  
35 NINETEEN DOLLARS.  
36 B. Except as otherwise provided by statute, the director shall  
37 immediately deposit, pursuant to sections 35-146 and 35-147, fees collected  
38 under this section in the Arizona highway user revenue fund.  
39 Sec. 3. Title 28, chapter 8, article 1, Arizona Revised Statutes, is  
40 amended by adding section 28-3007, to read:  
41 28-3007. Enhanced driver license and nonoperating  
42 identification license  
43 A. THE DEPARTMENT MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH  
44 ANY FEDERAL AGENCY FOR THE PURPOSES OF FACILITATING BORDER CROSSING OF ANY  
45 UNITED STATES LAND OR SEA BORDER IN THE WESTERN HEMISPHERE.

B. THE DEPARTMENT MAY ESTABLISH AND ISSUE AN ENHANCED DRIVER LICENSE OR ENHANCED NONOPERATING IDENTIFICATION LICENSE FOR THE PURPOSE OF BORDER CROSSING OF ANY UNITED STATES LAND OR SEA BORDER IN THE WESTERN HEMISPHERE TO AN APPLICANT WHO PROVIDES THE DEPARTMENT WITH PROOF OF UNITED STATES CITIZENSHIP AND IDENTITY. THE DEPARTMENT SHALL CONTINUE TO OFFER A STANDARD DRIVER LICENSE AND NONOPERATING IDENTIFICATION LICENSE AS PROVIDED BY THIS CHAPTER. THE DEPARTMENT MUST ALLOW EACH APPLICANT TO CHOOSE BETWEEN A STANDARD DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE OR AN ENHANCED DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE.

C. AN ENHANCED DRIVER LICENSE AND AN ENHANCED NONOPERATING IDENTIFICATION LICENSE SHALL INCLUDE REASONABLE SECURITY MEASURES TO PROTECT THE PRIVACY OF RESIDENTS OF THIS STATE, INCLUDING PROTECTION AGAINST UNAUTHORIZED DISCLOSURE OF DATA ABOUT RESIDENTS OF THIS STATE.

D. AN ENHANCED DRIVER LICENSE OR ENHANCED NONOPERATING IDENTIFICATION LICENSE MAY INCLUDE A RADIO FREQUENCY IDENTIFICATION CHIP OR SIMILAR TECHNOLOGY. THE DEPARTMENT SHALL ENSURE THAT THE TECHNOLOGY IS ENCRYPTED OR OTHERWISE SECURE FROM UNAUTHORIZED DATA ACCESS.

E. THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO THE REQUIREMENTS OTHERWISE IMPOSED ON APPLICANTS FOR A DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS SECTION. THE DEPARTMENT SHALL PERIODICALLY REVIEW TECHNOLOGICAL INNOVATIONS RELATED TO THE SECURITY OF THE ENHANCED DRIVER LICENSE AND ENHANCED NONOPERATING IDENTIFICATION LICENSE AND AMEND THE RULES RELATED TO ENHANCED DRIVER LICENSES AND ENHANCED NONOPERATING IDENTIFICATION LICENSES AS THE DIRECTOR DEEMS NECESSARY TO PROTECT THE PRIVACY OF RESIDENTS OF THIS STATE.

F. THE DEPARTMENT MAY MAKE IMAGES ASSOCIATED WITH AN ENHANCED DRIVER LICENSE OR ENHANCED NONOPERATING IDENTIFICATION LICENSE AVAILABLE TO UNITED STATES CUSTOMS AND BORDER AGENTS FOR THE PURPOSES OF VERIFYING IDENTITY.

Sec. 4. Section 28-3101, Arizona Revised Statutes, is amended to read:

28-3101. Driver license classes

A. Except as provided in subsections B and C of this section and section 28-3102, the following driver license classes are valid:

1. Class A. A class A license is valid for operating either of the following:

(a) A motor vehicle that tows a vehicle with a gross vehicle weight rating of more than ten thousand pounds if the combined gross vehicle weight rating is twenty-six thousand one or more pounds.

(b) A vehicle that requires a class B, C or D license.

2. Class B. A class B license is valid for operating any of the following:

(a) A single motor vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds.

1 (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
2 thousand one or more pounds that tows a vehicle with a gross vehicle weight  
3 rating of ten thousand pounds or less.

4 (c) A vehicle that requires a class C or D license for operation.

5 3. Class C. A class C license is valid for operating any of the  
6 following:

7 (a) A single motor vehicle with a gross vehicle weight rating of  
8 twenty-six thousand pounds or less.

9 (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
10 thousand pounds or less that tows a vehicle with a gross vehicle weight  
11 rating of ten thousand pounds or less.

12 (c) A motor vehicle with a gross vehicle weight rating of twenty-six  
13 thousand pounds or less that tows a vehicle with a gross vehicle weight  
14 rating of more than ten thousand pounds, if the combined gross vehicle weight  
15 rating is less than twenty-six thousand one pounds.

16 (d) A vehicle that is required to be placarded for hazardous  
17 materials.

18 (e) A bus or school bus.

19 (f) A vehicle that requires a class D license for operation.

20 4. Class D. A class D license is valid for operating any of the  
21 following:

22 (a) A single motor vehicle with a gross vehicle weight rating of  
23 twenty-six thousand pounds or less.

24 (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
25 thousand pounds or less that tows a vehicle with a gross vehicle weight  
26 rating of ten thousand pounds or less.

27 (c) A motor vehicle with a gross vehicle weight rating of twenty-six  
28 thousand pounds or less that tows a vehicle with a gross vehicle weight  
29 rating of more than ten thousand pounds if the combined gross vehicle weight  
30 rating is less than twenty-six thousand one pounds.

31 5. Class G. A class G license is valid for operating a single motor  
32 vehicle with a gross vehicle weight rating of twenty-six thousand pounds or  
33 less.

34 6. Class M. A class M license is valid for operating a motorcycle,  
35 motor driven cycle or moped. For the purpose of licensing a driver, the  
36 department may endorse a class M license classification on a valid class A,  
37 B, C, D or G license.

38 B. A class A, B, C, D or G license is not valid for operating a  
39 vehicle that requires a class M license or a vehicle that requires a special  
40 endorsement unless the proper endorsement appears on the license.

41 C. A commercial driver license is not required to operate a vehicle  
42 described in subsection A, paragraph 1, 2 or 3 of this section if the vehicle  
43 has been issued a historic vehicle license plate pursuant to section 28-2484  
44 and the department provides in the vehicle registration record both of the  
45 following:

1           1. That the vehicle is classified as a noncommercial vehicle and may  
2 not be used as a commercial vehicle.

3           2. The vehicle's gross vehicle weight is entered as zero.

4           D. AN ENHANCED DRIVER LICENSE MAY BE ISSUED FOR A CLASS A, B, C, D, G  
5 OR M LICENSE.

6           Sec. 5. Section 28-3165, Arizona Revised Statutes, is amended to read:

7           28-3165. Nonoperating identification license; immunity; rules;  
8                     emancipated minors

9           A. On receipt of an application from a person who does not have a  
10 valid driver license issued by this state or whose driving privilege is  
11 suspended, the department shall issue a nonoperating identification license  
12 that contains a distinguishing number assigned to the licensee, the full  
13 legal name, the date of birth, the residence address and a brief description  
14 of the licensee and either a facsimile of the signature of the licensee or a  
15 space on which the licensee is required to write the licensee's usual  
16 signature with pen and ink. A nonoperating identification license that is  
17 issued to a person whose driving privilege is suspended shall not be valid  
18 for more than one hundred eighty days from the date of issuance.

19           B. On request of an applicant, the department shall allow the  
20 applicant to provide on the nonoperating identification license a post office  
21 box address that is regularly used by the applicant.

22           C. A person who is issued a license pursuant to this section shall use  
23 it only for identification purposes of the licensee. The nonoperating  
24 identification license does not grant authority to operate a motor vehicle in  
25 this state. The department shall clearly label the nonoperating  
26 identification license "for identification only, not for operation of a motor  
27 vehicle".

28           D. On issuance of a driver license, the holder of a nonoperating  
29 identification license shall surrender the nonoperating identification  
30 license to the department and the department shall not refund any fee paid  
31 for the issuance of the nonoperating identification license.

32           E. A nonoperating identification license shall contain the photograph  
33 of the licensee. The department shall use a process in the issuance of  
34 nonoperating identification licenses that prohibits as nearly as possible the  
35 ability to superimpose a photograph on the license without ready detection.  
36 The department shall process nonoperating identification licenses and photo  
37 attachments in color.

38           F. On application, an applicant shall give the department satisfactory  
39 proof of the applicant's full legal name, date of birth, sex and residence  
40 address and that the applicant's presence in the United States is authorized  
41 under federal law. The application shall briefly describe the applicant,  
42 state whether the applicant has been licensed, and if so, the type of license  
43 issued, when and by what state or country and whether any such license is  
44 under suspension, revocation or cancellation. The application shall contain  
45 other identifying information required by the department.



G. The department may adopt and implement procedures to deny a nonoperating identification license to a person who has been deported. The department may adopt and implement procedures to reinstate a person's privilege to apply for a nonoperating identification license if the person's legal presence status is restored.

H. A nonoperating identification license issued by the department is solely for the use and convenience of the applicant for identification purposes.

I. The department shall adopt rules and establish fees for issuance of a STANDARD nonoperating identification license, except that the department shall not require an examination.

J. FOR EACH ORIGINAL OR INITIAL APPLICATION OR RENEWAL APPLICATION FOR AN ENHANCED NONOPERATING IDENTIFICATION LICENSE, THE DEPARTMENT SHALL CHARGE A FEE OF TWENTY-SEVEN DOLLARS. FOR EACH APPLICATION FOR A DUPLICATE OF AN ENHANCED NONOPERATING IDENTIFICATION LICENSE, THE DEPARTMENT SHALL CHARGE A FEE OF NINETEEN DOLLARS. EACH ORIGINAL OR RENEWAL OF AN ENHANCED NONOPERATING IDENTIFICATION LICENSE IS VALID FOR NOT MORE THAN FIVE YEARS.

~~J.~~ K. A person who is sixty-five years of age or older and a person who is a recipient of public monies as a disabled individual under title XVI of the social security act, as amended, are exempt from the fees established FOR A STANDARD NONOPERATING IDENTIFICATION LICENSE pursuant to this section.

~~K.~~ L. If a person qualifies for a nonoperating identification license and is under the legal drinking age, the department shall issue a license that is marked by color, code or design to immediately distinguish it from a nonoperating identification license issued to a person of legal drinking age. The department shall indicate on the nonoperating identification license issued pursuant to this subsection the year in which the person will attain the legal drinking age.

~~L.~~ M. If a minor has been emancipated pursuant to title 12, chapter 15, on application and proof of emancipation, the department shall issue a nonoperating identification license that contains the words "emancipated minor".

Sec. 6. Section 28-3171, Arizona Revised Statutes, is amended to read:

28-3171. Driver license expiration and renewal; exception; extension by mail

A. Except as provided in subsection B, D or E of this section and unless medical restrictions require a shorter expiration period, a driver license:

1. Is valid until the applicant's sixty-fifth birthday.
2. Is renewable for successive periods of five years after the applicant's sixty-fifth birthday.
3. Expires on the applicant's birthday if the license was issued pursuant to subsection B of this section.

B. Notwithstanding subsection A of this section:

1           1. AN ENHANCED DRIVER LICENSE IS VALID FOR NOT MORE THAN FIVE YEARS  
2           AND IS RENEWABLE FOR SUCCESSIVE PERIODS OF NOT MORE THAN FIVE YEARS.

3           ~~1-~~ 2. The department shall issue to an applicant a driver license  
4           that is valid for not more than five years and six months if the applicant  
5           applies within six months of the applicant's next birthday and if the  
6           applicant is sixty-four years of age or older, unless medical restrictions  
7           require a shorter expiration period.

8           ~~2-~~ 3. On presentation of satisfactory proof of qualification, the  
9           director may issue a class D, G or M license or permit for a period of up to  
10          five years to:

11          (a) A person who is an out-of-state student or who is the spouse of an  
12          out-of-state student. For the purposes of this subdivision, "out-of-state  
13          student" has the same meaning prescribed in section 28-2001.

14          (b) An immediate family member of any active duty military personnel  
15          temporarily stationed in this state.

16          (c) Any other person for whom the director determines other  
17          circumstances justify the issuance.

18          C. An applicant shall apply for renewal of a driver license before the  
19          expiration of a current license. The department may require an examination  
20          of a renewal applicant for a class D, G or M license as required of an  
21          original applicant.

22          D. A veteran, as defined in section 41-601, whose driver license  
23          expires is not required to renew the veteran's driver license for six months  
24          from the date of the veteran's discharge from military service.

25          E. The department may extend the expiration date of a class D or M  
26          license by mail for a resident if the applicant is not in this state at the  
27          time the license expires and will not be in this state for at least thirty  
28          consecutive days after the expiration of the driver license. On payment by  
29          the applicant of the fee prescribed in section 28-3002, the department shall  
30          issue a certificate of extension that is valid only if accompanied by the  
31          applicant's previous license. An applicant for extension of a license by  
32          mail shall comply with the following:

33                  1. The application requirements of section 28-3158.

34                  2. The licensing requirements of section 28-3153.

35                  3. Medical requirements applicable to all license applicants, except  
36          that the applicant is not required to obtain an eyesight examination.

37          Sec. 7. Requirements for enactment; two-thirds vote

38          Pursuant to article IX, section 22, Constitution of Arizona, this act  
39          is effective only on the affirmative vote of at least two-thirds of the  
40          members of each house of the legislature and is effective immediately on the  
41          signature of the governor or, if the governor vetoes this act, on the  
42          subsequent affirmative vote of at least three-fourths of the members of each  
43          house of the legislature.